

115TH CONGRESS
1ST SESSION

S. 1806

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2017

Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Mr. FRANKEN, Mr. SCHUMER, Mr. LEAHY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MURPHY, Mr. HEINRICH, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HASSAN, Ms. HARRIS, Mr. REED, Mr. UDALL, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Care for Work-
5 ing Families Act”.

1 **TITLE I—CHILD CARE AND**
2 **DEVELOPMENT ASSISTANCE**

3 **SEC. 101. PURPOSES.**

4 Section 658A(b) of the Child Care and Development
5 Block Grant Act of 1990 (42 U.S.C. 9801 note) is amend-
6 ed—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) to ensure that no low- to moderate-income
10 family pays more than 7 percent of its household in-
11 come on child care;”;

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2) to support working parents in making
15 their own decisions regarding the child care services
16 that best suit their family’s needs;”;

17 (3) in paragraph (4)—

18 (A) by striking “high-quality,” and insert-
19 ing “high-quality and inclusive, and”; and

20 (B) by inserting “, including before- and
21 after-school and summer care for school-age
22 children,” after “services”;

23 (4) in paragraph (5), by inserting before the
24 semicolon the following: “, and to help child care

1 programs meet evidence-based or national standards
2 to improve the quality of child care”;

3 (5) in paragraph (6)—

4 (A) by inserting “, including children with
5 disabilities and infants and toddlers with dis-
6 abilities” before the semicolon; and

7 (B) by striking “and” at the end;

8 (6) in paragraph (7)—

9 (A) by striking “high-quality” and insert-
10 ing “high-quality and inclusive”; and

11 (B) by striking the period at the end and
12 inserting “; and”; and

13 (7) by adding at the end the following:

14 “(8) to support statewide systems to support
15 the needs of infants and toddlers with disabilities,
16 better coordinate child care and other services, and
17 assist States in increasing the number of child care
18 providers that provide high-quality and inclusive
19 care to families of infants or toddlers with disabil-
20 ities and families of children with disabilities.”.

21 **SEC. 102. APPROPRIATIONS.**

22 Section 658B of the Child Care and Development
23 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
24 by striking all that follows the section heading and insert-
25 ing the following:

1 “(a) IN GENERAL.—There are authorized to be ap-
 2 propriated and there are appropriated to carry out this
 3 subchapter (other than paragraphs (1) and (2) of section
 4 658O(a)) \$20,000,000,000 for fiscal year 2018,
 5 \$30,000,000,000 for fiscal year 2019, \$40,000,000,000
 6 for fiscal year 2020, and such sums as may be necessary
 7 for fiscal year 2021 and each subsequent fiscal year.

8 “(b) TERRITORIES; INDIAN TRIBES.—There are au-
 9 thorized to be appropriated and there are appropriated to
 10 carry out paragraphs (1) and (2) of section 658O(a) such
 11 sums as may be necessary for fiscal year 2018 and each
 12 subsequent fiscal year.”.

13 **SEC. 103. ESTABLISHMENT OF PROGRAM.**

14 Section 658C of the Child Care and Development
 15 Block Grant Act of 1990 (42 U.S.C. 9858a) is amended
 16 to read as follows:

17 **“SEC. 658C. ESTABLISHMENT OF CHILD CARE PROGRAM.**

18 “The Secretary is authorized to administer a child
 19 care program under which families in the State shall be
 20 provided an opportunity to obtain child care for eligible
 21 children, subject to the requirements of this subchapter.”.

22 **SEC. 104. LEAD AGENCY.**

23 Section 658D of the Child Care and Development
 24 Block Grant Act of 1990 (42 U.S.C. 9858b) is amended—

1 (1) in subsection (a), by striking “a grant” and
2 inserting “payments”; and

3 (2) in subsection (b)(1)(A), by inserting before
4 the semicolon the following: “, including by certi-
5 fying the eligibility of children”.

6 **SEC. 105. APPLICATION AND PLAN.**

7 (a) **PLAN REQUIREMENTS.**—Section 658E(e) of the
8 Child Care and Development Block Grant Act of 1990 (42
9 U.S.C. 9858c(e)) is amended—

10 (1) in paragraph (2)—

11 (A) in subparagraph (A)—

12 (i) by striking the matter preceding
13 clause (i) and inserting the following:

14 “(A) **SUPPORTING WORKING PARENTS.**—
15 Support working parents by providing assur-
16 ances that—”; and

17 (ii) by striking clause (i)(II) and in-
18 serting the following:

19 “(II) to enroll such child with a
20 child care provider who has received a
21 child care certificate as defined in sec-
22 tion 658P(2) from such parent or par-
23 ents;”;

24 (B) in subparagraph (E)—

25 (i) in clause (i)—

1 (I) by striking subclause (II) and
2 inserting the following:

3 “(II) the State’s tiered and
4 transparent system for measuring the
5 quality of child care providers, de-
6 scribed in subparagraph (W)(i), in-
7 cluding—

8 “(aa) a description of the
9 national standards or other
10 equally rigorous and evidence-
11 based standards tied to child out-
12 comes that the State uses for
13 purposes of subparagraph
14 (W)(i)(II)(aa);

15 “(bb) the payment rates re-
16 ferred to in paragraph (4), for
17 providers at each tier of such
18 system; and

19 “(cc) the number and per-
20 centage of eligible providers at
21 each tier of such system, in total
22 and disaggregated by geographic
23 location;”;

24 (II) in subclause (IV), by insert-
25 ing “the program carried out under

1 title II of the Child Care for Working
2 Families Act,” after “9831 et seq.”;,
3 and

4 (III) in subclause (VII), by strik-
5 ing “and” at the end;

6 (ii) in clause (ii), by striking the pe-
7 riod at the end and inserting a semicolon;
8 and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(iii) information about the State’s
12 wage ladder described in subparagraph
13 (G)(iii); and

14 “(iv) information on opportunities for
15 staff of child care providers to improve
16 their skills and credentials, including infor-
17 mation about training opportunities and
18 professional organizations that provide
19 such training.”;

20 (C) in subparagraph (G)—

21 (i) in clause (i), by striking “and pro-
22 fessional development requirements” and
23 inserting “, professional development, and
24 compensation requirements”;

25 (ii) in clause (ii)(V)—

1 (I) by redesignating item (dd) as
2 item (ee);

3 (II) in item (cc), by striking
4 “and”; and

5 (III) by inserting after item (cc)
6 the following:

7 “(dd) infants and toddlers
8 with disabilities; and”;

9 (iii) by redesignating clauses (iii) and
10 (iv) as clauses (v) and (vi), respectively;
11 and

12 (iv) by inserting after clause (ii) the
13 following:

14 “(iii) COMPENSATION.—The plan
15 shall provide a description of the State’s
16 wage ladder for staff of eligible child care
17 providers, and an assurance that wages for
18 such staff will, at a minimum, meet the re-
19 quirements of paragraph (4)(B)(iii)(II).

20 “(iv) STAKEHOLDER ENGAGEMENT.—
21 The plan shall demonstrate how the State
22 will facilitate participation of staff of eligi-
23 ble child care providers in organizations
24 that foster the professional development

1 and stakeholder engagement of the child
2 care workforce.”;

3 (D) in subparagraph (I)—

4 (i) in clause (i)(XI), by striking “and”
5 at the end;

6 (ii) in clause (ii), by striking the pe-
7 riod and inserting “; and”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(iii) may include a requirement to
11 comply with the standards recommended in
12 the Department of Health and Human
13 Services’ report entitled ‘Caring for Our
14 Children Basics: Health and Safety Foun-
15 dations for Early Care and Education’,
16 issued on June 25, 2015.”;

17 (E) in subparagraph (K)(i), in the matter
18 preceding subclause (I), by striking “, not later
19 than 2 years after the date of enactment of the
20 Child Care and Development Block Grant Act
21 of 2014,”;

22 (F) in subparagraph (M)—

23 (i) by adding “investment of quality
24 child care amounts described in section
25 658G(a)(1),” after “parents,”;

1 (ii) by redesignating clause (iv) as
2 clause (v);

3 (iii) in clause (iii), by striking “, as
4 defined by the State; and” and inserting a
5 semicolon; and

6 (iv) by inserting after clause (iii) the
7 following:

8 “(iv) infants and toddlers with disabil-
9 ities; and”;

10 (G) in subparagraph (N)—

11 (i) in clause (i)(I), by striking “, if
12 that family income does not exceed 85 per-
13 cent of the State median income for a fam-
14 ily of the same size”;

15 (ii) in clause (ii), by striking “(espe-
16 cially parents in families receiving assist-
17 ance under the program of block grants to
18 States for temporary assistance for needy
19 families under part A of title IV of the So-
20 cial Security Act (42 U.S.C. 601 et
21 seq.))”;

22 (iii) by striking clause (iv);

23 (H) in subparagraph (O)—

24 (i) in clause (i), by striking “with pro-
25 grams operating” and all that follows and

1 inserting “with programs, operating at the
2 Federal, State, and local levels for chil-
3 dren, that are—

4 “(I) preschool programs, pro-
5 grams funded under title II of the
6 Child Care for Working Families Act,
7 programs funded under section 657C
8 of the Head Start Act, tribal early
9 childhood programs, and other early
10 childhood programs, including those
11 serving infants and toddlers with dis-
12 abilities;

13 “(II) programs serving homeless
14 children and children in foster care;
15 and

16 “(III) programs funded under
17 the Individuals with Disabilities Edu-
18 cation Act (20 U.S.C. 1400 et seq.).”;

19 (ii) by striking clause (ii); and

20 (iii) by redesignating clause (iii) as
21 clause (ii);

22 (I) in subparagraph (Q)—

23 (i) by striking “LOW-INCOME POPU-
24 LATIONS” and inserting “CHILDREN IN
25 UNDERSERVED AREAS, CHILDREN WITH

1 DISABILITIES, AND INFANTS AND TOD-
2 DLERS WITH DISABILITIES”;

3 (ii) by striking “high-quality” and in-
4 serting “high-quality and inclusive”; and

5 (iii) by inserting before the period the
6 following: “and to children with disabilities
7 and infants and toddlers with disabilities”;

8 (J) by striking subparagraph (S) and in-
9 serting the following:

10 “(S) PROHIBITION ON SUSPENSIONS, EX-
11 PULSIONS, AND AVERSIVE BEHAVIORAL INTER-
12 VENTIONS.—The State plan shall provide an as-
13 surance that the State will provide assistance to
14 carry out this subchapter only to eligible child
15 care providers that prohibit—

16 “(i) the use of suspension and expul-
17 sion of children; and

18 “(ii) the use of aversive behavioral
19 interventions.”;

20 (K) in subparagraph (T)—

21 (i) in clause (i)—

22 (I) in the matter preceding sub-
23 clause (I), by striking “(or develop
24 such guidelines if the State does not
25 have such guidelines as of the date of

1 enactment of the Child Care and De-
2 velopment Block Grant Act of 2014”);
3 and

4 (II) in subclause (I), by striking
5 “research-based” and inserting “evi-
6 dence-based”; and

7 (ii) in clause (iv)—

8 (I) by striking subclauses (II)
9 and (III);

10 (II) by striking “Federal Govern-
11 ment” and all that follows through
12 “mandate” and inserting “Federal
13 Government to mandate”; and

14 (III) by striking “section;” and
15 inserting “section.”;

16 (L) in subparagraph (U)—

17 (i) in clause (ii), by inserting “the
18 State’s lead agency established or des-
19 ignated under section 635(a)(10) of the In-
20 dividuals with Disabilities Education Act
21 (20 U.S.C. 1435(a)(10)),” after “the State
22 resource and referral system,”; and

23 (ii) in clause (iii)(I), by inserting “in-
24 fants and toddlers with disabilities,” after
25 “children with disabilities,”; and

1 (M) by adding at the end the following:

2 “(W) TIERED AND TRANSPARENT SYSTEM
3 FOR MEASURING THE QUALITY OF CHILD CARE
4 PROVIDERS.—The State plan shall describe how
5 the State will develop or revise with input from
6 child care providers, from families, and from or-
7 ganizations representing child care directors,
8 teachers, and other staff, within 3 years after
9 the date of submission of the State application,
10 systems for measuring the quality of eligible
11 child care providers who provide services for
12 which assistance is made available under this
13 subchapter, that consist of—

14 “(i) a tiered and transparent system
15 for measuring the quality of eligible child
16 care providers who serve eligible children,
17 that—

18 “(I) applies to eligible child care
19 providers (except providers of family,
20 friend, or neighbor care that elect to
21 be covered under clause (ii));

22 “(II) includes a set of standards,
23 for determining the tier of quality of
24 a child care provider, that—

1 “(aa) uses the degree to
2 which the provider meets national
3 standards (which may be Head
4 Start program performance
5 standards described in section
6 641A(a) of the Head Start Act
7 (42 U.S.C. 9836a(a)) or stand-
8 ards for national accreditation of
9 early learning programs) or other
10 equally rigorous and evidence-
11 based standards that are tied to
12 child outcomes; and

13 “(bb) includes indicators
14 that are appropriate for different
15 types of providers, including child
16 care centers and family child care
17 providers, and are appropriate
18 for providers serving different
19 age groups (including mixed age
20 groups) of children, while main-
21 taining a high level of quality
22 child care by all of the different
23 types of providers and for all of
24 the different age groups (includ-
25 ing mixed age groups);

1 “(III) includes a different set of
2 standards that includes different indi-
3 cators, to be applied, when appro-
4 priate, for care during nontraditional
5 hours of operation; and

6 “(IV) in conjunction with the in-
7 creasing payment rates under para-
8 graph (4) (increasing due to factors
9 specified in paragraph (4) such as the
10 cost estimation model and quality
11 basis for payment rates), provides for
12 sufficient resources to enable stand-
13 ards at the entry tier for such system
14 to increase in rigor over time; and

15 “(ii) a separate system of quality
16 standards for providers concerning develop-
17 mentally appropriate and age-appropriate
18 care that—

19 “(I) applies to eligible child care
20 providers of family, friend, or neigh-
21 bor care (except such providers that
22 elect to be covered under clause (i));
23 and

24 “(II) includes standards for care
25 during nontraditional hours of oper-

1 ation and traditional hours of oper-
2 ation.

3 “(X) PROHIBITION ON CHARGING MORE
4 THAN COPAYMENT.—The State plan shall pro-
5 vide that, after the systems described in sub-
6 paragraph (W) are in effect, child care pro-
7 viders receiving financial assistance under this
8 subchapter may not charge the family of an eli-
9 gible child more than the total of—

10 “(i) the financial assistance provided
11 to the family under this subchapter; and

12 “(ii) any applicable copayment pursu-
13 ant to paragraph (5).

14 “(Y) POLICIES TO SUPPORT CHILDREN
15 WITH DISABILITIES AND INFANTS AND TOD-
16 DLERS WITH DISABILITIES.—The State plan
17 shall provide a description of—

18 “(i) how the State will ensure that eli-
19 gible child care providers, except for pro-
20 viders of family, friend, or neighbor care
21 that elect to be covered under subpara-
22 graph (W)(ii), will prioritize children with
23 disabilities and infants and toddlers with
24 disabilities for slots in programs carried
25 out by the providers; and

1 “(ii) how the State will work with the
 2 State’s lead agency established or des-
 3 ignated under section 635(a)(10) of the In-
 4 dividuals with Disabilities Education Act
 5 (20 U.S.C. 1435(a)(10)), local educational
 6 agencies, and early intervention services
 7 providers to provide services and supports
 8 described in the Individuals with Disabil-
 9 ities Education Act (20 U.S.C. 1400 et
 10 seq.) in inclusive child care settings to chil-
 11 dren with disabilities, and to infants and
 12 toddlers with disabilities, who are eligible
 13 children.”;

14 (2) in paragraph (3)—

15 (A) in the paragraph heading, by striking
 16 “BLOCK GRANT”;

17 (B) in subparagraph (A), by striking “sub-
 18 paragraphs (B) through (D)” and inserting
 19 “subparagraph (C)”;

20 (C) by striking subparagraph (B) and in-
 21 serting the following:

22 “(B) CHILD CARE SERVICES AND RELATED
 23 ACTIVITIES.—The State shall use amounts pro-
 24 vided to the State for each fiscal year under
 25 this subchapter for child care services, provided

1 on a sliding fee scale basis, and the activities
2 described in section 658G.”;

3 (D) by striking subparagraph (C);

4 (E) in subparagraph (D), by striking “pro-
5 vide assistance” and inserting “provide assist-
6 ance (including providing access to programs
7 that meet the standards for a high tier of the
8 system described in paragraph (2)(W)(i))”;

9 (F) by striking subparagraph (E); and

10 (G) by redesignating subparagraph (D) as
11 subparagraph (C); and

12 (3) by striking paragraphs (4) and (5) and in-
13 serting the following:

14 “(4) PAYMENT RATES.—

15 “(A) IN GENERAL.—The State plan
16 shall—

17 “(i) certify that payment rates for the
18 provision of child care services for which
19 assistance is provided in accordance with
20 this subchapter—

21 “(I) will be based on a cost esti-
22 mation model that is described in sub-
23 paragraph (B) and is approved by the
24 Secretary of Health and Human Serv-
25 ices; and

1 “(II) will correspond to dif-
2 ferences in quality based on the
3 State’s tiered and transparent system
4 for measuring the quality of child care
5 providers, described in paragraph
6 (2)(W)(i), and based on the standards
7 described in paragraph (2)(W)(ii); and
8 “(ii) specify whether the State is
9 electing—

10 “(I) to include, in those payment
11 rates, a bonus for serving children
12 during nontraditional hours; or

13 “(II) to waive the copayment de-
14 scribed in paragraph (5) for a child
15 who has been identified as eligible for
16 assistance from child protective serv-
17 ices.

18 “(B) COST ESTIMATION MODEL.—The
19 State plan shall—

20 “(i) demonstrate that the State has,
21 after consulting with the entities and indi-
22 viduals described in subparagraph (D), de-
23 veloped and used (not earlier than 3 years
24 before the date of the submission of the
25 application containing the State plan) a

1 statistically valid and reliable cost esti-
2 mation model for the rates of such child
3 care services in the State—

4 “(I) for providers at each of the
5 tiers of the State’s tiered and trans-
6 parent system for measuring the qual-
7 ity of child care providers described in
8 paragraph (2)(W)(i) (which rates re-
9 flect variations in the cost of child
10 care services by geographic area, type
11 of provider, and age of child, and the
12 additional costs associated with pro-
13 viding high-quality and inclusive child
14 care services for children with disabil-
15 ities and infants and toddlers with
16 disabilities); and

17 “(II) for providers that meet the
18 standards described in paragraph
19 (2)(W)(ii);

20 “(ii) demonstrate that the State pre-
21 pared a detailed report containing the child
22 care costs estimated with the State cost es-
23 timation model pursuant to clause (i), and
24 made the estimated costs widely available
25 (not later than 30 days after the comple-

1 tion of the estimation) through periodic
2 means, including posting the estimated
3 costs on the Internet;

4 “(iii) describe how the State will set
5 payment rates for child care services, for
6 which assistance is provided in accordance
7 with this subchapter—

8 “(I) in accordance with the most
9 recent estimates from the most recent
10 cost estimation model used pursuant
11 to clause (i), so that providers at each
12 tier of the tiered and transparent sys-
13 tem for measuring program quality
14 receive payment that is not less than
15 the cost of meeting the requirements
16 of such tier; and

17 “(II) that maintain an effective
18 and diverse workforce by ensuring
19 wages for staff of child care providers
20 that—

21 “(aa) are comparable to
22 wages for elementary educators
23 with similar credentials and expe-
24 rience in the State; and

1 “(bb) at a minimum, provide
2 a living wage for all staff of child
3 care providers; and

4 “(iv) describe how the State will pro-
5 vide for timely payment for child care serv-
6 ices provided under this subchapter.

7 “(C) PAYMENT PRACTICES.—The State
8 plan shall include—

9 “(i) a certification that the payment
10 practices of child care providers in the
11 State that serve children who receive as-
12 sistance under this subchapter reflect gen-
13 erally accepted payment practices of child
14 care providers in the State that serve chil-
15 dren who do not receive assistance under
16 this subchapter, including the practice of
17 paying the providers the payment rate de-
18 scribed in subparagraph (A)(i) based on
19 the number of children enrolled and not
20 the number of children in daily attendance,
21 so as to provide stability of funding and
22 encourage more child care providers to
23 serve children who receive assistance under
24 this subchapter; and

1 “(ii) an assurance that the State will
2 implement enrollment and eligibility poli-
3 cies that support the fixed costs of pro-
4 viding child care services by delinking pro-
5 vider payment rates from an eligible child’s
6 occasional absences due to holidays or un-
7 foreseen circumstances such as illness.

8 “(D) ENTITIES AND INDIVIDUALS CON-
9 SULTED.—The entities and individuals referred
10 to in subparagraph (B)(i) are the State Advi-
11 sory Council on Early Childhood Education and
12 Care designated or established in section
13 642B(b)(1)(A)(i) of the Head Start Act (42
14 U.S.C. 9837b(b)(1)(A)(i)), administrators of
15 local child care programs and Head Start pro-
16 grams, organizations representing child care di-
17 rectors, teachers, and other staff, local child
18 care resource and referral agencies, organiza-
19 tions representing parents of children with dis-
20 abilities and parents of infants and toddlers
21 with disabilities, the State interagency coordi-
22 nating council established under section 641 of
23 the Individuals with Disabilities Education Act
24 (20 U.S.C. 1441), the State advisory panel es-
25 tablished under section 612(a)(21) of the Indi-

1 viduals with Disabilities Education Act (20
2 U.S.C. 1412(a)(21)), and other appropriate en-
3 tities.

4 “(5) SLIDING SCALE FOR COPAYMENTS.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraphs (B)(i) and (C), the State plan
7 shall provide an assurance that the State will
8 require—

9 “(i) a family receiving assistance
10 under this subchapter to pay the copay-
11 ment referred to in paragraph (2)(X); or

12 “(ii) another entity to pay the copay-
13 ment on behalf of the family, voluntarily or
14 in accordance with Federal law.

15 “(B) SLIDING SCALE.—Such copayment
16 shall be based on a sliding scale that provides
17 that, for a family with a family income—

18 “(i) of not more than 75 percent of
19 State median income, the family shall not
20 pay a copayment, toward the cost of the
21 child care involved for all eligible children
22 in the family;

23 “(ii) of more than 75 percent but not
24 more than 100 percent of State median in-
25 come, the copayment shall be more than 0

1 but not more than 2 percent of that family
2 income, toward such cost for all such chil-
3 dren;

4 “(iii) of more than 100 percent but
5 not more than 125 percent of State me-
6 dian income, the copayment shall be more
7 than 2 but not more than 4 percent of that
8 family income, toward such cost for all
9 such children; and

10 “(iv) of more than 125 percent but
11 not more than 150 percent of State me-
12 dian income, the copayment shall be more
13 than 4 but not more than 7 percent of that
14 family income, toward such cost for all
15 such children.

16 “(C) SPECIAL RULE.—The State shall not
17 require a family with a child that is eligible for
18 a Head Start program under the Head Start
19 Act (42 U.S.C. 9831 et seq.) to pay a copay-
20 ment under this paragraph for any eligible child
21 in the family.”.

22 **SEC. 106. LIMITATIONS.**

23 Section 658F is amended—

24 (1) by striking the section heading and insert-
25 ing the following:

1 **“SEC. 658F. LIMITATIONS.”;**

2 and

3 (2) in subsection (b)(1), by striking “section
4 658O(c)(6)” and inserting “section 658O(b)(6)”.

5 **SEC. 107. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
6 **CARE.**

7 Section 658G of the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9848e) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by striking “A State” and all that
12 follows through “for activities” and insert-
13 ing “A State that receives a payment
14 under section 658J shall reserve and use
15 the quality child care amount described in
16 paragraph (2) for activities”; and

17 (ii) by adding “for all age groups of
18 eligible children” before “, and is in align-
19 ment with”; and

20 (B) by striking paragraphs (2) and (3) and
21 inserting the following:

22 “(2) **QUALITY CHILD CARE AMOUNT.**—Such
23 State shall reserve and use—

24 “(A) during fiscal years 2018 through
25 2020, from each payment made to the State for

1 a fiscal year, a quality child care amount equal
2 to 50 percent of the allotment; and

3 “(B) during fiscal year 2021 and each sub-
4 sequent fiscal year, from each of the quarterly
5 payments made to the State for a fiscal year,
6 a quality child care amount equal to not more
7 than 10 percent of 25 percent of the amount
8 made available to the State to carry out this
9 subchapter for the second preceding fiscal
10 year.”; and

11 (2) by striking subsection (b) and inserting the
12 following:

13 “(b) ACTIVITIES.—

14 “(1) IN GENERAL.—Quality child care amounts
15 reserved under subsection (a) shall be used to carry
16 out activities that—

17 “(A) consist of—

18 “(i) each of the activities described in
19 subparagraphs (A) and (B) of paragraph
20 (2), and the activities described in para-
21 graph (2)(C) under the circumstances de-
22 scribed in that paragraph;

23 “(ii) the activities described in para-
24 graph (3);

1 “(iii) at the election of the State, the
2 activities described in paragraph (4);

3 “(iv) not fewer than one of the activi-
4 ties described in a subparagraph of para-
5 graph (5);

6 “(v) not fewer than one of the activi-
7 ties described in a subparagraph of para-
8 graph (6), or in the matter preceding sub-
9 paragraph (A) of paragraph (6);

10 “(vi) each of the activities described
11 in paragraph (7);

12 “(vii) one or more activities described
13 in a subparagraph of paragraph (8); and

14 “(viii) at the election of the State dur-
15 ing fiscal years 2018 through 2020—

16 “(I) remodeling, renovation, or
17 repair permitted under section
18 658F(b); or

19 “(II) construction or renovation
20 permitted under section 658O(b)(6),
21 with priority for funding for such con-
22 struction or renovation given to—

23 “(aa) providers of high-qual-
24 ity and inclusive care for children

1 with disabilities and infants and
2 toddlers with disabilities;

3 “(bb) care during nontradi-
4 tional hours;

5 “(cc) providers in rural
6 areas; and

7 “(dd) providers in under-
8 served areas or areas of con-
9 centrated poverty; and

10 “(B) will improve the quality of child care
11 services provided in the State.

12 “(2) QUALITY IMPROVEMENT GRANTS.—A
13 State shall use quality child care amounts to im-
14 prove the quality of child care providers across the
15 State that are eligible for assistance under this sub-
16 chapter, including by—

17 “(A) making startup grants (including, in
18 the case of providers of family, friend, or neigh-
19 bor care, grants for activities described in para-
20 graph (8)(H)) to child care providers that are
21 not yet participating in the tiered and trans-
22 parent system for measuring the quality of
23 child care providers described in section
24 658E(c)(2)(W)(i), in a fiscal year, and that
25 commit to improve quality so that the provider

1 involved can participate in that system in the
2 subsequent fiscal year;

3 “(B) making quality improvement grants
4 to child care providers that meet the require-
5 ments for a tier of the State tiered and trans-
6 parent system for measuring the quality of
7 child care providers described in section
8 658E(c)(2)(W)(i), in a fiscal year, and that
9 commit to improve quality so that the provider
10 involved can meet the requirements for a higher
11 tier in the subsequent 3 fiscal years; and

12 “(C) renewing a grant described in sub-
13 paragraph (A) or (B) at the end of the applica-
14 ble grant period, for a provider that dem-
15 onstrates sufficient progress in meeting the
16 goals for the grant.

17 “(3) ACTIVITIES TO ASSIST HOMELESS CHIL-
18 DREN AND CHILDREN IN FOSTER CARE.—A State
19 shall use quality child care amounts for activities
20 that improve access to child care services for home-
21 less children and children in foster care, including—

22 “(A) the use of procedures to permit im-
23 mediate enrollment of homeless children and
24 children in foster care while required docu-
25 mentation is obtained;

1 “(B) training and technical assistance on
2 identifying and serving homeless children and
3 their families, and children in foster care and
4 their foster families; and

5 “(C) specific outreach to homeless families
6 and foster families.

7 “(4) CHILD CARE RESOURCE AND REFERRAL
8 SYSTEM.—

9 “(A) IN GENERAL.—A State may use qual-
10 ity child care amounts to establish or support
11 a system of local or regional child care resource
12 and referral organizations that is coordinated,
13 to the extent determined appropriate by the
14 State, by a statewide public or private non-
15 profit, community-based or regionally based,
16 lead child care resource and referral organiza-
17 tion.

18 “(B) LOCAL OR REGIONAL ORGANIZA-
19 TIONS.—The local or regional child care re-
20 source and referral organizations supported as
21 described in subparagraph (A) shall—

22 “(i) provide parents in the State with
23 consumer education information referred
24 to in section 658E(c)(2)(E) (except as oth-
25 erwise provided in that section), concerning

1 the full range of child care options (includ-
2 ing faith-based and community-based child
3 care providers), analyzed by provider, in-
4 cluding child care provided during non-
5 traditional hours, child care provided
6 through emergency child care centers, and
7 inclusive child care options for children
8 with disabilities and infants and toddlers
9 with disabilities, in their political subdivi-
10 sions or regions;

11 “(ii) to the extent practicable, work
12 directly with families who receive assist-
13 ance under this subchapter to offer the
14 families support and assistance, using in-
15 formation described in clause (i), to make
16 an informed decision about which child
17 care providers they will use, in an effort to
18 ensure that the families are enrolling their
19 children in the most appropriate child care
20 setting to suit their needs and one that
21 provides high-quality and inclusive care;

22 “(iii) collect data and provide infor-
23 mation on the coordination of services and
24 supports, including services provided under
25 section 619 and part C of the Individuals

1 with Disabilities Education Act (20 U.S.C.
2 1419, 1431 et seq.), for children with dis-
3 abilities and infants and toddlers with dis-
4 abilities, and services provided under the
5 Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 6301 et seq.);

7 “(iv) collect data and provide informa-
8 tion on the supply of and demand for child
9 care services in political subdivisions or re-
10 gions within the State and submit such in-
11 formation to the State;

12 “(v) work to establish partnerships
13 with public agencies and private entities,
14 including faith-based and community-based
15 child care providers, to increase the supply
16 and quality of child care services in the
17 State;

18 “(vi) as appropriate, coordinate their
19 activities with the activities of the State
20 lead agency and local agencies that admin-
21 ister funds made available in accordance
22 with this subchapter; and

23 “(vii) work to establish partnerships
24 with the parent resource centers estab-
25 lished under section 672 of the Individuals

1 with Disabilities Education Act (20 U.S.C.
2 1472) to provide information about inclu-
3 sive child care options for children with
4 disabilities and infants and toddlers with
5 disabilities, including children with more
6 significant disabilities and children with
7 complex medical needs.

8 “(5) TRAINING AND PROFESSIONAL DEVELOP-
9 MENT.—A State shall use quality child care amounts
10 for supporting the training and professional develop-
11 ment of the child care workforce through activities
12 such as those included under section 658E(c)(2)(G),
13 in addition to—

14 “(A)(i) offering training, coaching, or pro-
15 fessional development opportunities for child
16 care providers that relate to the use of evi-
17 dence-based, developmentally appropriate and
18 age-appropriate strategies to promote the social,
19 emotional, physical, adaptive, communication,
20 and cognitive development of children, including
21 strategies related to nutrition and physical ac-
22 tivity and recommended practices for exposing
23 children birth through age 2 and children ages
24 2 through 5 to screen media; and

1 “(ii) offering specialized training for child
2 care providers caring for those populations
3 prioritized in section 658E(c)(2)(Q), homeless
4 children, children in foster care, children who
5 are dual language learners, and children with
6 disabilities and infants and toddlers with dis-
7 abilities;

8 “(B) incorporating the effective use of data
9 to guide program improvement;

10 “(C) implementing effective behavior man-
11 agement strategies (and related training), in-
12 cluding implementing multitiered systems of
13 support such as support through positive behav-
14 ior interventions and supports, and trauma in-
15 formed care, that—

16 “(i) promote positive social and emo-
17 tional development;

18 “(ii) prevent and reduce challenging
19 behaviors, including by setting consistent
20 expectations for all students; and

21 “(iii) eliminate suspensions, expul-
22 sions, and aversive behavioral interven-
23 tions;

24 “(D) providing training and outreach on
25 engaging parents and families in culturally and

1 linguistically appropriate ways, including for
2 parents and families of dual language learners,
3 to expand their knowledge, skills, and capacity
4 to become meaningful partners in supporting
5 their children’s positive development;

6 “(E) providing training corresponding to
7 the nutritional and physical activity needs of
8 children to promote healthy development;

9 “(F) providing training or professional de-
10 velopment for child care providers regarding the
11 early neurological development of children;

12 “(G) connecting staff members of child
13 care providers with available Federal and State
14 financial aid, or other resources, that would as-
15 sist the staff members in pursuing relevant
16 postsecondary training;

17 “(H) creating or expanding a statewide
18 scholarship program for child care providers to
19 obtain credentials related to child care;

20 “(I) creating or expanding an apprentice-
21 ship program for child care providers in the
22 early years of providing child care;

23 “(J) providing training, scholarship oppor-
24 tunities, or apprenticeships for multilingual

1 adults in order to expand the supply of high-
2 quality, dual-language child care programs;

3 “(K) supporting articulation agreements
4 between public institutions of higher education
5 that offer 2-year programs and public institu-
6 tions of higher education that offer 4-year pro-
7 grams, for the purposes of facilitating, for child
8 care providers or individuals seeking to become
9 such providers, the transfer of postsecondary
10 credits for coursework related to child care
11 from such institutions with 2-year programs to
12 such institutions with 4-year programs;

13 “(L) providing training and professional
14 development on child developmental milestones
15 and evidence-based developmental screening
16 practices that help identify infants, toddlers,
17 and children to be referred for evaluation con-
18 cerning eligibility for services under the Individ-
19 uals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.); or

21 “(M) undertaking efforts to improve the
22 diversity of staff of eligible providers, including
23 efforts to recruit a more diverse workforce.

24 “(6) PROGRAMS AND SERVICES FOR INFANTS
25 AND TODDLERS.—A State shall use quality child

1 care amounts to promote and expand child care pro-
2 viders' ability to provide developmentally appropriate
3 services for infants and toddlers through activities
4 that may include—

5 “(A)(i) training and professional develop-
6 ment; and

7 “(ii) coaching and technical assistance on
8 this age group's unique needs from statewide
9 networks of qualified infant-toddler specialists;

10 “(B) improving infant and toddler compo-
11 nents within the State's tiered and transparent
12 system for measuring the quality of child care
13 providers described in section 658E(c)(2)(W)(i),
14 for child care providers for infants and toddlers,
15 or developing infant and toddler components in
16 a State's child care licensing regulations or
17 early learning and development guidelines;

18 “(C) improving the ability of parents to ac-
19 cess transparent and easy to understand con-
20 sumer information about high-quality and inclu-
21 sive care for infants and toddlers; or

22 “(D) carrying out other activities deter-
23 mined by the State to improve the quality of in-
24 fant and toddler care provided in the State, and
25 for which there is evidence that the activities

1 will lead to improved infant and toddler health
2 and safety, infant and toddler cognitive and
3 physical development, infant and toddler well-
4 being, or infant and toddler social and emo-
5 tional development, including providing health
6 and safety training (including training in safe
7 sleep practices, first aid, and cardiopulmonary
8 resuscitation) for providers and caregivers.

9 “(7) INCLUSIVE CARE FOR CHILDREN WITH
10 DISABILITIES AND INFANTS AND TODDLERS WITH
11 DISABILITIES.—A State shall use quality child care
12 amounts for activities to improve the supply of eligi-
13 ble child care providers that provide high-quality and
14 inclusive care for children with disabilities and in-
15 fants and toddlers with disabilities through activi-
16 ties, which shall include—

17 “(A) offering training, professional devel-
18 opment, or coaching opportunities for child care
19 providers that relate to the use of evidence-
20 based, developmentally appropriate, and age-ap-
21 propriate strategies in inclusive settings to pro-
22 mote the social, emotional, physical, adaptive,
23 communication, and cognitive development of
24 children with disabilities and infants and tod-
25 dlers with disabilities, and their peers;

1 “(B) improving the ability of parents to
2 access transparent and easy-to-understand con-
3 sumer information about high-quality and inclu-
4 sive care for children with disabilities and in-
5 fants and toddlers with disabilities; and

6 “(C) promoting and expanding child care
7 providers’ ability to provide developmentally ap-
8 propriate services for infants and toddlers with
9 disabilities through improved coordination of
10 systems, services, and other activities with the
11 providers and individuals who provide services
12 or supports under the Individuals with Disabil-
13 ities Education Act (20 U.S.C. 1400 et seq.).

14 “(8) OTHER ACTIVITIES.—A State may use
15 quality child care amounts for—

16 “(A) improving upon the development or
17 implementation of the early learning and devel-
18 opmental guidelines described in section
19 658E(c)(2)(T) by providing technical assistance
20 to eligible child care providers that enhances
21 the cognitive, physical, social, and emotional de-
22 velopment, including early childhood develop-
23 ment, of participating preschool and school-
24 aged children and supports their overall well-
25 being;

1 “(B) developing, implementing, or enhancing
2 the State’s tiered and transparent system
3 for measuring the quality of child care pro-
4 viders, as described in section
5 658E(c)(2)(W)(i);

6 “(C) facilitating compliance with State re-
7 quirements for inspection, monitoring, training,
8 and health and safety, and with State licensing
9 standards;

10 “(D) evaluating and assessing the quality
11 and effectiveness of child care programs and
12 services offered in the State, including evalu-
13 ating how such programs positively impact chil-
14 dren;

15 “(E) supporting child care providers in the
16 voluntary pursuit of accreditation by a national
17 accrediting body with demonstrated, valid, and
18 reliable program standards of high quality;

19 “(F) supporting State or local efforts to
20 develop or adopt high-quality program stand-
21 ards relating to health, mental health, social
22 and emotional development, nutrition, physical
23 activity, and physical development;

24 “(G) activities that improve the availability
25 of child care services, activities that improve ac-

1 cess to child care services, and any other activ-
2 ity that the State determines to be appropriate
3 to meet the purposes of this subchapter, with
4 priority being given for services (including giv-
5 ing priority access to services through providers
6 at the highest tier of the system described in
7 section 658E(c)(2)(W)(i)) to homeless children,
8 children in foster care, children of families with
9 very low family incomes (taking into consider-
10 ation family size), children with disabilities, and
11 infants and toddlers with disabilities;

12 “(H) activities to improve the quality of
13 providers of family, friend, or neighbor care,
14 which may include—

15 “(i) offering education, training, busi-
16 ness development, apprenticeship, men-
17 toring, or leadership development opportu-
18 nities for the providers;

19 “(ii) conducting home visits and
20 coaching that provide one-on-one advice
21 and support;

22 “(iii) conducting play and learn ses-
23 sions or other types of peer networking;

24 “(iv) facilitating participation in the
25 program carried out under this subchapter

1 or the child and adult care food program
2 established under section 17 of the Richard
3 B. Russell National School Lunch Act (42
4 U.S.C. 1766);

5 “(v) assistance in achieving licensure,
6 if the provider wants to become licensed;
7 and

8 “(vi) recruiting providers of family,
9 friend, or neighbor care to build the supply
10 of high-quality and inclusive care by such
11 providers;

12 “(I)(i) supporting eligible child care pro-
13 viders to eliminate suspensions, expulsions, and
14 aversive behavioral interventions, including
15 through adaptations and interventions by spe-
16 cial educators, mental health consultants, and
17 other community resources, such as behavior
18 coaches, psychologists, and other appropriate
19 specialists; and

20 “(ii) promoting multitiered systems of sup-
21 port such as positive behavioral interventions
22 and supports and trauma informed care that
23 promote positive social and emotional develop-
24 ment and reduce challenging behaviors;

1 “(J) activities to improve the supply and
2 quality of child care programs and services to
3 provide high-quality and inclusive care for
4 school-age children, which may include—

5 “(i) establishing or expanding high-
6 quality and inclusive school-age child care
7 standards and a system of supports for
8 such care that align with best practices for
9 before- and after-school care and summer
10 care;

11 “(ii) enhancing professional develop-
12 ment and technical assistance opportuni-
13 ties for providers of school-age care; and

14 “(iii) improving the ability of parents
15 to access transparent and easy to under-
16 stand consumer information about high-
17 quality and inclusive school-age care;

18 “(K) establishing or expanding high-qual-
19 ity and inclusive community or neighborhood-
20 based family and child development centers,
21 which shall serve as resources for child care
22 providers in order to improve the quality of
23 early childhood services provided to children
24 from low-income families and to help eligible
25 child care providers improve their capacity to

1 offer high-quality and inclusive, age-appropriate
2 care;

3 “(L) establishing or expanding the oper-
4 ation of community or neighborhood-based fam-
5 ily child care networks; or

6 “(M) supporting eligible child care pro-
7 viders in providing accessible comprehensive
8 services for children and their families, includ-
9 ing—

10 “(i) screenings of vision, hearing,
11 health (including mental health), dental
12 health, and development (including early
13 literacy and math skill development), which
14 shall be coordinated with the activities car-
15 ried out through the comprehensive child
16 find system under the Individuals with
17 Disabilities Education Act (20 U.S.C.
18 1400 et seq.);

19 “(ii)(I) family engagement opportuni-
20 ties that take into account the language
21 spoken in the child’s home, such as parent
22 conferences (with opportunities for parents
23 to provide input about the child’s develop-
24 ment); and

1 “(II) support services, such as parent
2 education, home visiting, and family lit-
3 eracy services;

4 “(iii)(I) nutrition services, including
5 provision of nutritious meals and snack op-
6 tions aligned with the requirements in the
7 most recent guidelines promulgated by the
8 Secretary of Agriculture for the Child and
9 Adult Care Food Program authorized
10 under section 17 of the Richard B. Russell
11 National School Lunch Act (42 U.S.C.
12 1766); and

13 “(II) regular, age-appropriate, nutri-
14 tion education for children and their fami-
15 lies;

16 “(iv) programs, carried out in coordi-
17 nation with local educational agencies and
18 entities providing services and supports au-
19 thorized under part B and part C of the
20 Individuals with Disabilities Education Act
21 (20 U.S.C. 1411 et seq.; 1431 et seq.), to
22 ensure the full participation of infants and
23 toddlers with disabilities and children with
24 disabilities in high-quality and inclusive
25 child care settings;

1 “(v) physical activity programs that—
2 “(I) are aligned with evidence-
3 based guidelines, such as those rec-
4 ommended by the Health and Medi-
5 cine Division of the National Acad-
6 emies of Sciences, Engineering, and
7 Medicine; and
8 “(II) take into account and ac-
9 commodate the needs of children with
10 disabilities; and
11 “(vi) on-site service coordination, to
12 the maximum extent feasible.”.

13 **SEC. 108. ADMINISTRATION AND ENFORCEMENT.**

14 Section 658I of the Child Care and Development
15 Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2), by striking “child
18 care standards” and inserting “standards for
19 child care described in clauses (i) and (ii) of
20 section 658E(c)(2)(W)”;

21 (B) in paragraph (3), by inserting “and”
22 after the semicolon;

23 (C) in paragraph (4), by striking “; and”
24 and inserting a period; and

25 (D) by striking paragraph (5);

1 (2) in subsection (b)(2)(A), by striking “State
2 allotment” and inserting “State payments”; and
3 (3) by striking subsection (c).

4 **SEC. 109. STATE QUARTERLY PAYMENTS.**

5 (a) IN GENERAL.—Section 658J of the Child Care
6 and Development Block Grant Act of 1990 (42 U.S.C.
7 9858h) is amended to read as follows:

8 **“SEC. 658J. PAYMENTS TO STATES.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) FMAP.—The term ‘FMAP’ has the mean-
11 ing given the term in the first sentence of section
12 1905(b) of the Social Security Act (42 U.S.C.
13 1396d(b)).

14 “(2) INFANT OR TODDLER.—The term ‘infant
15 or toddler’ means a child under age 3.

16 “(b) PAYMENTS TO STATES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graphs (2) and (3), the Secretary shall pay to each
19 State with an application approved under section
20 658E an amount for each quarter equal to the
21 FMAP of expenditures in the quarter—

22 “(A) for child care assistance under the
23 plan for eligible children, other than such chil-
24 dren who are infants or toddlers; and

1 “(B) to carry out activities under section
2 658G, subject to the limit specified in section
3 658G(a)(2).

4 “(2) CHILD CARE ASSISTANCE FOR INFANTS OR
5 TODDLERS.—The Secretary shall pay to each State
6 with such an approved application an amount for
7 each quarter equal to 90 percent of expenditures in
8 the quarter for child care assistance under the plan
9 for eligible children who are infants or toddlers.

10 “(3) ADMINISTRATION.—The Secretary shall
11 pay to each State with such an approved application
12 an amount for each quarter equal to 50 percent of
13 expenditures in the quarter for the costs incurred by
14 the State in carrying out sections 658H and 658K,
15 and other reasonable costs incurred by the State to
16 administer the plan.

17 “(c) ADVANCE PAYMENT; RETROSPECTIVE ADJUST-
18 MENT.—

19 “(1) IN GENERAL.—The Secretary may make
20 payments under this section for each quarter on the
21 basis of advance estimates of expenditures submitted
22 by the State and such other investigation as the Sec-
23 retary may find necessary, and may reduce or in-
24 crease the payments as necessary to adjust for any
25 overpayment or underpayment for previous quarters.

1 “(2) LIMITATIONS.—The Secretary may not
2 make such payments in a manner that prevents a
3 State from complying with the requirement specified
4 in section 658E(c)(3).

5 “(d) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—
6 Nothing in this section shall be construed as preventing
7 a State from claiming as expenditures in a quarter ex-
8 penditures that were incurred in a previous quarter.

9 “(e) STATE ENTITLEMENT.—This subchapter con-
10 stitutes budget authority in advance of appropriations
11 Acts and represents the obligation of the Federal Govern-
12 ment to provide for payments to States under this section
13 from amounts provided under section 658B(a).”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section take effect on October 1, 2020.

16 **SEC. 110. REPORTING.**

17 Section 658K(a)(1)(B) of the Child Care and Devel-
18 opment Block Grant Act of 1990 (42 U.S.C.
19 9858i(a)(1)(B)) is amended—

20 (1) in clause (x), by striking “and”;

21 (2) by transferring clause (xi) so as to appear
22 after clause (x);

23 (3) in clause (xi), by inserting “and” after the
24 semicolon; and

25 (4) by inserting after clause (xi) the following:

1 “(xii) whether the children receiving
2 assistance under this subchapter are either
3 children with disabilities or infants and
4 toddlers with disabilities;”.

5 **SEC. 111. PRIORITY; WEBSITE.**

6 Section 658L of the Child Care and Development
7 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

8 (1) in the third sentence of subsection (a), by
9 striking “658E(c)(3)(B)” and inserting “section
10 658G(b)(8)(G)”;

11 (2) in subsection (b)(2)(B)—

12 (A) in clause (ii), by striking “a Quality
13 Rating and Improvement System” and inserting
14 “a tiered and transparent system for measuring
15 the quality of child care providers described in
16 section 658E(c)(2)(W)(i) and”;

17 (B) in clause (iv), by striking “and” at the
18 end;

19 (C) in clause (v), by striking the period
20 and inserting “; and”; and

21 (D) by inserting at the end the following:

22 “(vi) information about—

23 “(I) high-quality and inclusive
24 care for children with disabilities and
25 infants and toddlers with disabilities,

1 including child care with early inter-
2 vention services under part C of the
3 Individuals with Disabilities Edu-
4 cation Act (20 U.S.C. 1431 et seq.)
5 for infants and toddlers with disabil-
6 ities and their families, and child care
7 with services and supports under part
8 B of the Individuals with Disabilities
9 Education Act (20 U.S.C. 1431 et
10 seq.) for children with disabilities; and
11 “(II) other Federal, State, or
12 local programs that may support in-
13 clusive child care for infants and tod-
14 dlers, or children, referred to in sub-
15 clause (I).”

16 **SEC. 112. NONDISCRIMINATION.**

17 Section 658N of the Child Care and Development
18 Block Grant Act of 1990 (42 U.S.C. 9858l) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)(A), by striking “this
21 section” and inserting “this subsection”;

22 (B) by striking paragraph (2);

23 (C) by redesignating paragraphs (3) and
24 (4) as paragraphs (2) and (3), respectively; and

25 (D) in paragraph (3)—

1 (i) in the paragraph heading, by strik-
2 ing “AND ADMISSION”;

3 (ii) by striking “(1)(B), (2), and (3)”
4 and inserting “(1)(B) and (2)”;

5 (iii) by striking “and admissions”;
6 and

7 (iv) by striking “or admissions”;

8 (2) in subsection (b)—

9 (A) in the subsection heading, by striking
10 “STATE LAW” and inserting “OTHER LAWS”;

11 (B) by striking “Nothing” and inserting
12 the following:

13 “(1) EXPENDITURES.—Nothing”; and

14 (C) by adding at the end the following:

15 “(2) RIGHTS, REMEDIES, PROCEDURES, OR
16 STANDARDS.—Nothing in this subchapter shall be
17 construed to invalidate or limit rights, remedies, pro-
18 cedures, or legal standards available to victims of
19 discrimination in employment or in provision of pro-
20 grams and activities under any other Federal law or
21 law of a State or political subdivision of a State, in-
22 cluding the Civil Rights Act of 1964 (42 U.S.C.
23 2000a et seq.), title IX of the Education Amend-
24 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
25 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.

1 794, 794a), or the Americans with Disabilities Act
2 of 1990 (42 U.S.C. 12101 et seq.). The obligations
3 imposed by this subchapter are in addition to those
4 imposed by the Civil Rights Act of 1964 (42 U.S.C.
5 2000a et seq.), title IX of the Education Amend-
6 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
7 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
8 and the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12101 et seq.).”; and

10 (3) by adding at the end the following:

11 “(c) NONDISCRIMINATION IN PROGRAMS AND AC-
12 TIVITIES.—

13 “(1) IN GENERAL.—Except as described in
14 paragraph (2), no person in the United States shall,
15 on the basis of actual or perceived race, color, reli-
16 gion, national origin, sex, sexual orientation, gender
17 identity, or disability, be excluded from participation
18 in, be denied the benefits of, or be subjected to dis-
19 crimination under any program or activity funded in
20 whole or in part, with funds made available under
21 this subchapter or with amounts appropriated for
22 grants, contracts, or certificates administered with
23 such funds.

24 “(2) PREFERENCE IN ENROLLMENT.—If assist-
25 ance provided under this subchapter, and any other

1 Federal or State program, amounts to less than 80
2 percent of the operating budget of a child care pro-
3 vider that receives such assistance, a child care pro-
4 vider may select children for child care slots that are
5 not funded directly with assistance provided under
6 this subchapter because such children or their family
7 members participate on a regular basis in other ac-
8 tivities of the organization that owns or operates
9 such provider.”.

10 **SEC. 113. INDIAN TRIBES AND NATIONAL ACTIVITIES.**

11 (a) IN GENERAL.—Section 6580 of the Child Care
12 and Development Block Grant Act of 1990 (42 U.S.C.
13 9858m) is amended—

14 (1) by striking the heading and inserting the
15 following:

16 **“SEC. 6580. INDIAN TRIBES AND NATIONAL ACTIVITIES.”;**

17 (2) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “one half of 1 percent
20 of the amount appropriated under this
21 subchapter” and inserting “a portion of
22 the amount appropriated under section
23 658B(b)”;

1 (ii) by striking “to be allotted” and all
2 that follows and inserting the following:
3 “to be allotted by the Secretary—
4 “(A) in accordance with the respective
5 needs of those territories; and
6 “(B) taking into consideration—
7 “(i) the population of eligible children,
8 and the population of eligible children from
9 low-income families, to be served by the
10 territory involved; and
11 “(ii) the cost of child care in the terri-
12 tory.”;
13 (B) in paragraph (2)—
14 (i) by striking “(2) INDIANS TRIBES”
15 and all that follows through “658B in”
16 and inserting “(2) INDIAN TRIBES.—The
17 Secretary shall reserve the remainder of
18 the amount appropriated under section
19 658B(b) in”;
20 (ii) by striking “subsection (c)” and
21 inserting “subsection (b)”;
22 (iii) by striking subparagraph (B);
23 (C) in paragraph (3), by striking “reserve
24 up to \$1,500,000 of the amount appropriated
25 under this subchapter” and inserting “reserve

1 and use such sums as the Secretary may deter-
2 mine to be necessary of the amount appro-
3 priated under section 658B(a)”;

4 (D) in paragraph (4), by striking “reserve
5 up to $\frac{1}{2}$ of 1 percent of the amount appro-
6 priated under this subchapter” and inserting
7 “reserve and use such sums as the Secretary
8 may determine to be necessary of the amount
9 appropriated under section 658B(a)”; and

10 (E) in paragraph (5), by striking “reserve
11 $\frac{1}{2}$ of 1 percent of the amount appropriated
12 under this subchapter” and inserting “reserve
13 and use such sums as the Secretary may deter-
14 mine to be necessary of the amount appro-
15 priated under section 658B(a)”;

16 (3) by striking subsection (b);

17 (4) in subsection (c)—

18 (A) in paragraph (3)—

19 (i) in subparagraph (A), by striking
20 “and” at the end;

21 (ii) in subparagraph (B), by striking
22 the period and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(C)(i) the population of Indian or Native
2 Hawaiian eligible children, and the population
3 of Indian or Native Hawaiian eligible children
4 from low-income families, to be served by the
5 Indian tribe or tribal organization;

6 “(ii) the cost of child care in the area to
7 be served by the tribe or organization; and

8 “(iii) whether awarding a grant or contract
9 to the tribe or organization will increase the
10 number of programs that reach standards de-
11 scribed in subsection (a)(1)(B)(iii);” and

12 (B) in paragraph (6)—

13 (i) by inserting “(or other recipient of
14 funds through a State payment under sec-
15 tion 658J (referred to in this paragraph as
16 a ‘covered recipient’))” after “organiza-
17 tion” the first place it appears; and

18 (ii) except as provided in subpara-
19 graph (A), by inserting “(or other covered
20 recipient)” after “organization” each place
21 it appears;

22 (5) by redesignating subsection (c) as sub-
23 section (b);

24 (6) by striking subsection (d);

25 (7) in subsection (e)—

1 (A) by striking paragraphs (1) through
2 (3);

3 (B) by striking “(e) REALLOTMENTS.—”
4 and all that follows through “Any” and insert-
5 ing “(e) REALLOTMENTS.—Any”; and

6 (C) by striking “subsection (c)” each place
7 it appears and inserting “subsection (b)”; and
8 (8) by redesignating subsections (e) and (f) as
9 subsections (c) and (d), respectively.

10 (b) EFFECTIVE DATE.—This section takes effect on
11 October 1, 2020.

12 **SEC. 114. DEFINITIONS.**

13 Section 658P of the Child Care and Development
14 Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

15 (1) in paragraph (2)—

16 (A) by inserting “child care provider on be-
17 half of a” before “parent”; and

18 (B) by striking “who may use such certifi-
19 cate only as payment”;

20 (2) in paragraph (3)—

21 (A) by striking subparagraph (B); and

22 (B) by redesignating subparagraphs (C)
23 and (D) as subparagraphs (B) and (C), respec-
24 tively;

1 (3) in paragraph (4)(B), by striking “85 per-
2 cent” and inserting “150 percent (100 percent for
3 fiscal year 2018, 115 percent for fiscal year 2019,
4 and 130 percent for fiscal year 2020)”; and

5 (4) by adding at the end the following:

6 “(16) FOSTER CARE.—

7 “(A) IN GENERAL.—The term ‘foster care’
8 means 24-hour substitute care for a child
9 placed away from the child’s parents or guard-
10 ians and for whom the State agency has place-
11 ment and care responsibility. The term includes
12 care through a placement in a foster family
13 home, a foster home of a relative, a group
14 home, an emergency shelter, a residential facil-
15 ity, a child care institution, or a pre-adoptive
16 home.

17 “(B) RULE.—A child shall be considered
18 to be in foster care in accordance with subpara-
19 graph (A) regardless of—

20 “(i) whether the foster care facility is
21 licensed and payments are made by the
22 State or local agency for the care of the
23 child;

1 “(ii) whether adoption subsidy pay-
2 ments are being made prior to the finaliza-
3 tion of an adoption; or

4 “(iii) whether there are Federal
5 matching funds for any payments de-
6 scribed in clause (i) or (ii) that are made.

7 “(17) GENDER IDENTITY.—The term ‘gender
8 identity’ means the gender-related identity, appear-
9 ance, mannerisms, or other gender-related character-
10 istics of an individual, regardless of the individual’s
11 designated sex at birth.

12 “(18) HIGH-QUALITY AND INCLUSIVE CARE.—
13 The term ‘high-quality and inclusive’, used with re-
14 spect to care (including child care), means care pro-
15 vided by an eligible child care provider—

16 “(A) that is at the highest tier of the
17 State’s tiered and transparent system for meas-
18 uring the quality of child care providers, under
19 section 658E(c)(2)(W)(i);

20 “(B) for whom the percentage of children
21 served by the provider who are children with
22 disabilities and infants and toddlers with dis-
23 abilities reflects the prevalence of children with
24 disabilities and infants and toddlers with dis-
25 abilities among children within the State; and

1 “(C) that provides care for children with
2 disabilities and infants and toddlers with dis-
3 abilities alongside children who are—

4 “(i) not infants and toddlers with dis-
5 abilities; and

6 “(ii) not children with disabilities.

7 “(19) HOMELESS CHILD.—The term ‘homeless
8 child’ means an individual who is a homeless child
9 or youth under section 725 of the McKinney-Vento
10 Homeless Assistance Act (42 U.S.C. 11434).

11 “(20) INFANT OR TODDLER WITH A DIS-
12 ABILITY.—The term ‘infant or toddler with a dis-
13 ability’ has the meaning given the term in section
14 632 of the Individuals with Disabilities Education
15 Act (20 U.S.C. 1432).

16 “(21) SEX.—The term ‘sex’ includes—

17 “(A) a sex stereotype;

18 “(B) pregnancy, childbirth, or a related
19 medical condition; and

20 “(C) sexual orientation or gender identity.

21 “(22) SEXUAL ORIENTATION.—The term ‘sex-
22 ual orientation’ means homosexuality, hetero-
23 sexuality, or bisexuality.”.

1 **SEC. 115. MISCELLANEOUS PROVISIONS.**

2 Section 658S of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858q) is amended—

4 (1) by striking “Notwithstanding” and insert-
5 ing the following:

6 “(a) CHILD CARE NOT TREATED AS INCOME.—Not-
7 withstanding”; and

8 (2) by adding at the end the following:

9 “(b) RULE OF CONSTRUCTION FOR COLLECTIVE
10 BARGAINING.—Nothing in this subchapter shall be con-
11 strued to alter, diminish, or otherwise affect the rights,
12 remedies, and procedures afforded to individuals employed
13 by schools or local educational agencies, or teachers and
14 other staff employed by child care providers—

15 “(1) under Federal, State, or local laws (includ-
16 ing applicable regulations or court orders); or

17 “(2) under the terms of collective bargaining
18 agreements, memoranda of understanding, or other
19 agreements between schools, agencies, or providers
20 that are referred to in this subsection, and their em-
21 ployees.”.

22 **SEC. 116. CONFORMING AMENDMENT.**

23 The Child Care and Development Block Grant Act
24 of 1990 (42 U.S.C. 9858 et seq.) is amended by striking
25 the subchapter heading and inserting the following:

1 **“Subchapter C—Child Care and Development**
2 **Assistance”.**

3 **SEC. 117. TRANSITION RULE.**

4 (a) IN GENERAL.—During fiscal years 2018 through
5 2020, the Secretary of Health and Human Services—

6 (1) shall make allotments and payments to
7 States and Indian tribes under section 658J and
8 658O of the Child Care and Development Block
9 Grant Act of 1990 (42 U.S.C. 9858h, 9858m), as in
10 effect on the day before the date of enactment of
11 this Act, subject to subsection (b); and

12 (2) shall carry out section 658E(c)(3) of that
13 Act (42 U.S.C. 9858c(c)(3)) by applying subpara-
14 graphs (C) and (E) of that section, as in effect on
15 that day.

16 (b) ADJUSTMENTS.—During fiscal years 2018
17 through 2020, the Secretary shall have authority to make
18 such adjustments as may be necessary to carry out sub-
19 section (a) and to transition to making quarterly payments
20 under section 658J and allotments under 658O of the
21 Child Care and Development Block Grant Act, as amend-
22 ed by this Act.

23 **SEC. 118. EFFECTIVE DATE.**

24 This title, and the amendments made by this title,
25 take effect on October 1, 2017.

1 **TITLE II—HIGH-QUALITY**
2 **PRESCHOOL**

3 **SEC. 201. FORMULA GRANTS TO STATES TO ESTABLISH**
4 **VOLUNTARY HIGH-QUALITY PRESCHOOL**
5 **PROGRAMS.**

6 (a) DEFINITIONS.—In this section:

7 (1) CHILD WITH A DISABILITY.—The term
8 “child with a disability” has the meaning given the
9 term in section 602 of the Individuals with Disabil-
10 ities Education Act (20 U.S.C. 1401).

11 (2) DUAL LANGUAGE LEARNER.—The term
12 “dual language learner” means an individual who is
13 limited English proficient, as defined in section 637
14 of the Head Start Act (42 U.S.C. 9832).

15 (3) ELIGIBLE CHILD.—The term “eligible
16 child” means a child who is—

17 (A) age 3, 4, or 5;

18 (B) not yet enrolled in kindergarten; and

19 (C) a member of a family with a family in-
20 come that does not exceed 150 percent of the
21 State median income for a family of the same
22 size.

23 (4) ELIGIBLE PROVIDER.—The term “eligible
24 provider” includes a local educational agency, Head
25 Start program funded under the Head Start Act (42

1 U.S.C. 9831 et seq.), licensed child care center, li-
2 censed family child care home, and community- or
3 neighborhood-based family child care network,
4 that—

5 (A) participates in the State’s tiered and
6 transparent system for measuring program
7 quality described in section 658E(c)(2)(W)(i) of
8 the Child Care and Development Block Grant
9 Act of 1990 (42 U.S.C. 9858c(c)(2)(W)(i)); and

10 (B) meets the highest tier of such system.

11 (5) FOSTER CARE.—

12 (A) IN GENERAL.—The term “foster care”
13 means 24-hour substitute care for a child
14 placed away from the child’s parents or guard-
15 ians and for whom the State agency has place-
16 ment and care responsibility. The term includes
17 care through a placement in a foster family
18 home, a foster home of a relative, a group
19 home, an emergency shelter, a residential facil-
20 ity, a child care institution, or a pre-adoptive
21 home.

22 (B) RULE.—A child shall be considered to
23 be in foster care in accordance with subpara-
24 graph (A) regardless of—

1 (i) whether the foster care facility is
2 licensed and payments are made by the
3 State or local agency for the care of the
4 child;

5 (ii) whether adoption subsidy pay-
6 ments are being made prior to the finaliza-
7 tion of an adoption; or

8 (iii) whether there are Federal match-
9 ing funds for any payments described in
10 clause (i) or (ii) that are made.

11 (6) GOVERNOR.—The term “Governor” means
12 the chief executive officer of a State.

13 (7) HIGH-NEED SCHOOL.—The term “high-need
14 school” means an elementary school in which not
15 less than 50 percent of the enrolled students are
16 children from low-income families, as defined in sec-
17 tion 2221(b)(3)(B) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 6641(b)(3)(B)).

20 (8) HIGH-NEED LOCAL EDUCATIONAL AGEN-
21 CY.—The term “high-need local educational agency”
22 means a local educational agency that serves a high
23 percentage of high-need schools.

24 (9) HOMELESS CHILD.—The term “homeless
25 child” means an individual who is a homeless child

1 or youth under section 725 of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11434).

3 (10) INFANT OR TODDLER WITH A DIS-
4 ABILITY.—The term “infant or toddler with a dis-
5 ability” has the meaning given the term in section
6 632 of the Individuals with Disabilities Education
7 Act (20 U.S.C. 1432).

8 (11) LOW-INCOME CHILD.—The term “low-in-
9 come child” means a child who is a member of a
10 family with a family income that is at or below 200
11 percent of the poverty line.

12 (12) OUTLYING AREAS.—The term “outlying
13 areas” means the United States Virgin Islands,
14 Guam, American Samoa, and the Commonwealth of
15 the Northern Mariana Islands.

16 (13) POVERTY LINE.—The term “poverty line”
17 means the official poverty line (as defined by the Of-
18 fice of Management and Budget)—

19 (A) adjusted to reflect the percentage
20 change in the Consumer Price Index For All
21 Urban Consumers, issued by the Bureau of
22 Labor Statistics, occurring in the 1-year period
23 or other interval immediately preceding the date
24 such adjustment is made; and

25 (B) adjusted for family size.

1 (14) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 (b) ALLOTMENTS TO STATES.—

5 (1) RESERVATION.—From the total amount ap-
6 propriated to carry out this section for a fiscal year,
7 the Secretary of Health and Human Services, in col-
8 laboration with the Secretary of Education, shall—

9 (A) reserve not less than 1 percent and not
10 more than 2 percent for payments to Indian
11 tribes and tribal organizations;

12 (B) reserve $\frac{1}{2}$ of 1 percent for the outlying
13 areas to be distributed among the outlying
14 areas on the basis of their relative need, as de-
15 termined by the Secretary of Health and
16 Human Services in accordance with the pur-
17 poses of this section;

18 (C) reserve $\frac{1}{2}$ of 1 percent for eligible
19 local entities that serve children in families who
20 are engaged in migrant or seasonal agricultural
21 labor;

22 (D) reserve not more than 1 percent or
23 \$30,000,000, whichever amount is less, for na-
24 tional activities, including administration, tech-
25 nical assistance, and evaluation; and

1 (E) reserve 5 percent for State leadership
2 activities described in subsection (c), including
3 the grants described in such subsection.

4 (2) ALLOTMENT FORMULA.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), from the total amount ap-
7 propriated to carry out this section for a fiscal
8 year that remains after making the reservations
9 under paragraph (1), the Secretary of Health
10 and Human Services, in collaboration with the
11 Secretary of Education, shall allot to each State
12 for the fiscal year that has an application ap-
13 proved under subsection (d) an amount that
14 bears the same ratio to such remainder as the
15 number of children who are below the age of 6
16 who reside within the State and whose families
17 have an income at or below 200 percent of the
18 poverty line for the most recent year for which
19 satisfactory data are available, bears to the
20 number of such children who reside in all such
21 States for such most recent fiscal year for
22 which satisfactory data are available.

23 (B) MINIMUM ALLOTMENT AMOUNT.—No
24 State receiving an allotment under subpara-
25 graph (A) for a fiscal year shall receive less

1 than ½ of 1 percent of the total amount allot-
2 ted under such subparagraph for the fiscal
3 year.

4 (c) STATE RESERVATION.—

5 (1) IN GENERAL.—The State leadership activi-
6 ties described in this subsection shall improve equi-
7 table access to high-quality preschool programs oper-
8 ated by eligible providers across the State, including
9 programs in high-need local educational agencies,
10 which shall include—

11 (A) ongoing professional development op-
12 portunities for school principals, school super-
13 intendents, teachers, and teacher assistants to
14 improve their practices, which may include ac-
15 tivities that—

16 (i) prepare elementary schools to cre-
17 ate or expand preschool classrooms, includ-
18 ing training on developmentally appro-
19 priate practices and preparing classrooms
20 with materials and equipment for young
21 children;

22 (ii) promote children’s development
23 across all of the essential domains of early
24 learning and development;

- 1 (iii) improve curricula and teacher-
2 child interaction;
- 3 (iv) increase effective family engage-
4 ment, including for families of dual lan-
5 guage learners;
- 6 (v) provide culturally competent in-
7 struction, including effective instruction for
8 children with disabilities and dual language
9 learners;
- 10 (vi) improve social and emotional de-
11 velopment;
- 12 (vii) incorporate positive behavioral
13 interventions and supports and principles
14 of trauma-informed care;
- 15 (viii) align preschool curricula with el-
16 elementary school standards and curricula;
- 17 (ix) engage teachers, teacher leaders,
18 early childhood educators, and other pro-
19 fessionals in joint professional learning op-
20 portunities, as described in section
21 2103(b)(3)(G) of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C.
23 6613(b)(3)(G)); and
- 24 (x) improve the transition of children
25 from preschool to elementary school;

1 (B) completing the Preschool Equity Re-
2 view and distributing grants as described in
3 paragraph (2) in accordance with the results of
4 such review;

5 (C) expanding or establishing scholarships,
6 counseling, and compensation initiatives to
7 cover the cost of tuition, fees, materials, trans-
8 portation, and release time for staff of eligible
9 providers to pursue credentials and degrees, in-
10 cluding bachelor's degrees; and

11 (D) partnerships between institutions of
12 higher education and eligible providers, includ-
13 ing high-need local educational agencies, to im-
14 prove access to early childhood educators, in-
15 cluding educators serving dual language learn-
16 ers.

17 (2) GRANTS TO IMPROVE EQUITABLE ACCESS
18 TO HIGH-QUALITY PRESCHOOL PROGRAMS.—

19 (A) IN GENERAL.—From amounts reserved
20 under subsection (b)(1)(E), a State shall make
21 grants to rectify resource inequities in preschool
22 programs and expand access to high-quality
23 preschool programs for all children, including
24 children described in items (aa) through (dd) of
25 subparagraph (B)(ii)(I). Such grants shall be

1 awarded to high-need local educational agencies
2 in order to improve their capacity to offer high-
3 quality preschool programs for eligible children,
4 which may include paying the costs of renova-
5 tion.

6 (B) PRESCHOOL EQUITY REVIEW.—

7 (i) IN GENERAL.—Each State making
8 grants under subparagraph (A) shall com-
9 plete an annual Preschool Equity Review
10 that informs the distribution of funds
11 under such subparagraph.

12 (ii) CONTENTS OF REVIEW.—Each
13 Preschool Equity Review shall include data
14 on—

15 (I) the percentage of children
16 participating in preschool programs
17 funded under this section,
18 disaggregated by status as—

19 (aa) children with disabil-
20 ities;

21 (bb) low-income children;

22 (cc) major ethnic and racial
23 groups; and

24 (dd) dual language learners;

1 (II) the geographic location of
2 preschool programs funded under this
3 section;

4 (III) the quality of preschool pro-
5 grams funded under the section, com-
6 pared to such programs not funded
7 under this section; and

8 (IV) resource inequities between
9 preschool programs, including pro-
10 grams serving a high percentage of
11 children described in items (aa)
12 through (dd) of subclause (I).

13 (d) STATE APPLICATION.—In order to receive an al-
14 lotment under this section, the Governor of a State shall
15 submit an application at such time and in such manner
16 as the Secretary of Health and Human Services, in col-
17 laboration with the Secretary of Education, may require.
18 Such application shall include each of the following:

19 (1) A description of how the State will provide
20 access to high-quality preschool during the school
21 day for eligible children in the State within 3 years,
22 which shall include the following:

23 (A) How the State plans to distribute
24 funds from the State's allotment to eligible pro-
25 viders, including an assurance that the Gov-

1 ernor will designate a State-level entity (such as
2 an agency or joint interagency office) for the
3 administration of the grant.

4 (B) An explanation of how the State will
5 ensure that eligible providers receiving funds
6 under this section will use research-based cur-
7 ricula that are aligned with State early learning
8 standards that are developmentally appropriate
9 and include, at a minimum, each of the fol-
10 lowing domains:

11 (i) Language development.

12 (ii) Literacy.

13 (iii) Mathematics.

14 (iv) Science.

15 (v) Creative arts.

16 (vi) Social and emotional development.

17 (vii) Approaches to learning.

18 (viii) Physical development.

19 (C) How the State will coordinate services
20 provided under this section with services and
21 supports provided under the Child Care and
22 Development Block Grant Act of 1990 (42
23 U.S.C. 9858 et seq.), section 619 and part C of
24 the Individuals with Disabilities Education Act
25 (20 U.S.C. 1419; 1431 et seq.), the Head Start

1 Act (42 U.S.C. 9831 et seq.), the Preschool De-
2 velopment Grants program under section 9212
3 of the Every Student Succeeds Act (42 U.S.C.
4 9831 note), the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6301 et
6 seq.), the McKinney-Vento Homeless Assistance
7 Act (42 U.S.C. 11301 et seq.) and the mater-
8 nal, infant, and early childhood home visiting
9 programs assisted under section 511 of the So-
10 cial Security Act (42 U.S.C. 711).

11 (D) How the State will improve transitions
12 from early childhood education to elementary
13 school, including how the State will ensure that
14 preschool programs—

15 (i) share relevant data between early
16 childhood educators and kindergarten
17 teachers;

18 (ii) share instructional, behavioral,
19 and other information between early child-
20 hood educators and kindergarten teachers
21 to best support the transition of children
22 with disabilities who may need services and
23 supports provided under part B of the In-
24 dividuals with Disabilities Education Act

1 (42 U.S.C. 1411 et seq.) into general edu-
2 cation settings; and

3 (iii) share information about the pro-
4 ficiency of dual language learners in both
5 English and their native language.

6 (E) How the State will provide ongoing
7 monitoring and support and conduct evalua-
8 tions of preschool programs funded under this
9 section.

10 (F) How the State has reviewed the stra-
11 tegic plan developed under section 9212 of the
12 Every Student Succeeds Act (42 U.S.C. 9831
13 note) or engaged in a similar strategy to facili-
14 tate coordination of existing early learning and
15 care programs in a mixed delivery system.

16 (G) If the State funds full-day kinder-
17 garten programs, but such full-day kinder-
18 garten programs are not available to all chil-
19 dren who are eligible to attend such programs
20 in the State, how the State plans to increase
21 the number of children in the State who are en-
22 rolled in full-day kindergarten programs and a
23 strategy to implement such a plan.

24 (H) If the State does not fund full-day
25 kindergarten programs, a description of how

1 the State plans to establish such programs to
2 strengthen the educational continuum for chil-
3 dren who will be involved in the State’s high-
4 quality preschool program supported under this
5 title.

6 (2) An assurance that all preschool programs
7 funded under this section will—

8 (A) offer programming that meets the du-
9 ration requirements in the program perform-
10 ance standards applicable to Head Start pro-
11 grams described in section 641A of the Head
12 Start Act (42 U.S.C. 9836a);

13 (B) adopt policies and practices to provide
14 expedited enrollment, including prioritization,
15 to—

16 (i) homeless children;

17 (ii) children in foster care; and

18 (iii) migratory children;

19 (C) conduct outreach to families of—

20 (i) homeless children;

21 (ii) dual language learners;

22 (iii) children in foster care;

23 (iv) children with disabilities;

24 (v) infants and toddlers with disabil-

25 ities; and

1 (vi) migratory children;

2 (D) provide salaries to staff of eligible pro-
3 viders that are on the same pay scale as ele-
4 mentary school educators with similar creden-
5 tials and experience;

6 (E) require high staff qualifications for
7 teachers, including, at a minimum, meeting the
8 staff qualifications included in the quality
9 standards of the National Institute for Early
10 Education Research that are in effect on the
11 date of enactment of this Act by not later than
12 4 years after the date the State first receives an
13 allotment under this section; and

14 (F) determine whether children are dual
15 language learners and provide services to en-
16 sure the full and effective participation of such
17 learners and their families.

18 (3) An assurance that the State will provide as-
19 sistance under this section only to eligible providers
20 that prohibit the use of suspension, expulsion, and
21 aversive behavioral interventions.

22 (4) An assurance that the State will meet the
23 requirements of clauses (ii) and (iii) of section
24 658E(c)(2)(T) of the Child Care and Development

1 Block Grant Act of 1990 (42 U.S.C.
2 9858c(e)(2)(T)(ii) and (iii)).

3 (e) USE OF FUNDS.—A State that receives an allot-
4 ment under subsection (b)(2) for a fiscal year shall use
5 the allotment to carry out the activities described in the
6 State’s application described in subsection (d).

7 (f) MATCH REQUIRED.—A State that receives an al-
8 lotment under subsection (b)(2) for a fiscal year shall pro-
9 vide matching funds from non-Federal sources in an
10 amount equal to 10 percent of the Federal funds that such
11 State receives under such subsection for the fiscal year.

12 (g) REPORTING.—

13 (1) IN GENERAL.—Each State that receives an
14 allotment under subsection (b)(2) shall prepare an
15 annual report, in such manner and containing such
16 information as the Secretary of Health and Human
17 Services may reasonably require.

18 (2) CONTENTS.—A report prepared under para-
19 graph (1) shall contain, at a minimum—

20 (A) a description of the manner in which
21 the State has used the funds made available
22 through the allotment and a report of the ex-
23 penditures made with the funds;

1 (B) a summary of the State’s progress to-
2 ward providing access to high-quality preschool
3 programs for eligible children;

4 (C) an evaluation of the State’s progress
5 towards improving equitable access to high-
6 quality preschool, as measured by the Preschool
7 Equity Review described in subsection
8 (c)(2)(B);

9 (D) the number and percentage of children
10 in the State participating in eligible preschool
11 programs, disaggregated by race, ethnicity,
12 family income, child age, disability, and whether
13 the children are homeless children, children in
14 foster care, or dual language learners;

15 (E) data on the number and percentage of
16 children in the State participating in public kin-
17 dergarten programs, disaggregated by race,
18 family income, child age, disability, and whether
19 the children are homeless children, children in
20 foster care, or dual language learners, with in-
21 formation on whether such programs are of-
22 fered—

23 (i) for a full-day; and

24 (ii) at no cost to families; and

1 (F) data on the kindergarten readiness of
2 children across the State.

3 (h) MAINTENANCE OF EFFORT.—

4 (1) IN GENERAL.—If a State reduces its com-
5 bined fiscal effort per child for its State preschool
6 program or State supplemental assistance funds for
7 Head Start programs assisted under the Head Start
8 Act (42 U.S.C. 9831 et seq.) for any fiscal year that
9 a State receives an allotment under subsection
10 (b)(2) relative to the previous fiscal year, the Sec-
11 retary of Health and Human Services, in collabora-
12 tion with the Secretary of Education, shall reduce
13 support for such State under such subsection by the
14 same amount as the decline in State effort for such
15 fiscal year.

16 (2) WAIVER.—The Secretary of Health and
17 Human Services, in collaboration with the Secretary
18 of Education, may waive the requirements of para-
19 graph (1) if—

20 (A) the Secretaries determine that a waiv-
21 er would be appropriate due to a precipitous de-
22 cline in the financial resources of a State as a
23 result of unforeseen economic hardship or a
24 natural disaster that has necessitated across-
25 the-board reductions in State services during

1 the 5-year period preceding the date of the de-
 2 termination, including for early childhood edu-
 3 cation programs; or

4 (B) due to the circumstances of a State re-
 5 quiring reductions in specific programs, includ-
 6 ing early childhood education, the State pre-
 7 sents to the Secretaries a justification and dem-
 8 onstration why other programs could not be re-
 9 duced and how early childhood programs in the
 10 State will not be disproportionately harmed by
 11 such State action.

12 (i) SUPPLEMENT NOT SUPPLANT.—Funds received
 13 under this section shall be used to supplement and not
 14 supplant other Federal, State, and local public funds ex-
 15 pended on early childhood education programs in the
 16 State.

17 (j) APPROPRIATIONS.—There is authorized to be ap-
 18 propriated, and there is appropriated, to carry out this
 19 section, \$8,000,000,000 for each of fiscal years 2018
 20 through 2028.

21 **TITLE III—HEAD START**
 22 **EXTENDED DURATION**

23 **SEC. 301. EXTENDED DURATION.**

24 (a) IN GENERAL.—The Head Start Act is amend-
 25 ed—

1 (1) by redesignating section 657C (42 U.S.C.
2 9852e) as section 657D; and

3 (2) by inserting after section 657B (42 U.S.C.
4 9852b) the following:

5 **“SEC. 657C. EXTENDED DURATION.**

6 “(a) IN GENERAL.—The Secretary shall make grants
7 to Head Start (including Early Head Start) agencies
8 funded under this subchapter to enable such agencies—

9 “(1) to provide access to a full school year and
10 a full school day of services; or

11 “(2) in the case of a migrant and seasonal
12 Head Start agency, to provide access to additional
13 service hours to ensure continuous Head Start serv-
14 ices as determined by the Secretary.

15 “(b) APPLICATION.—

16 “(1) IN GENERAL.—To be eligible to receive a
17 grant under this section, a Head Start agency shall
18 submit an application at such time and in such man-
19 ner as the Secretary may require. Such application
20 shall include—

21 “(A) evidence of—

22 “(i) the number and percentage of
23 slots—

1 “(I) in the agency’s Head Start
2 center-based programs (that are not
3 Early Head Start programs)—

4 “(aa) that are currently
5 funded (as of the date of submis-
6 sion of the application); and

7 “(bb) in which services are
8 provided for at least the equiva-
9 lent of 1,020 hours per year; and

10 “(II) in the agency’s Early Head
11 Start center-based programs—

12 “(aa) that are currently
13 funded (as of that date); and

14 “(bb) in which services are
15 provided for at least the equiva-
16 lent of 1,380 hours per year; and

17 “(ii) the number and percentage of
18 slots, in the agency’s Head Start family
19 child care programs—

20 “(I) that are currently funded
21 (as of that date); and

22 “(II) in which services are pro-
23 vided for at least the equivalent of
24 1,380 hours per year;

1 “(B) a description of an approach, using
2 the current community-wide strategic planning
3 and needs assessment described in section
4 640(g)(1)(C) of the Head Start Act (42 U.S.C.
5 9835(g)(1)(C)) and current program schedule
6 (current as of the date of submission of the ap-
7 plication), that transitions all of the agency’s
8 Head Start programs to a full school day, full
9 school year program schedule; and

10 “(C) a budget justification that estimates
11 the supplemental funding necessary to provide
12 for incremental ongoing operating costs for the
13 extended hours of service under such a program
14 schedule for the current enrollment in the agen-
15 cy’s Head Start programs.

16 “(2) EXCEPTIONS.—

17 “(A) IN GENERAL.—A migrant and sea-
18 sonal Head Start agency may apply for a grant
19 described in subsection (a) without meeting the
20 requirements specified in paragraph (1) to en-
21 sure continuous Head Start services are pro-
22 vided to children enrolled in a migrant and sea-
23 sonal Head Start program. To be eligible to re-
24 ceive the grant, the agency shall submit an ap-

1 plication at such time and in such manner as
2 the Secretary may require.

3 “(B) PRIORITY.—In making grants under
4 this paragraph, the Secretary shall give priority
5 to a migrant and seasonal Head Start agency
6 operating for fewer than 8 months per year.

7 “(c) USE OF FUNDS.—

8 “(1) IN GENERAL.—A Head Start agency re-
9 ceiving a grant under this section shall use the grant
10 funds to cover the costs associated with extending
11 those hours of service for the current enrollment,
12 such as additional costs for—

13 “(A) the purchase, rental, renovation, and
14 maintenance of additional facilities;

15 “(B) ongoing purchases of classroom sup-
16 plies;

17 “(C) staff providing services during the ex-
18 tended hours; and

19 “(D) professional development to staff
20 transitioning to providing services during the
21 extended hours.

22 “(2) EXCEPTION.—The Head Start agency
23 shall not use the grant funds to expand the number
24 of children served in the Head Start (including
25 Early Head Start) programs of the agency.

1 “(d) RESERVATIONS.—

2 “(1) ACTIVITIES.—From the total amount ap-
3 propriated to carry out this section, the Secretary
4 shall—

5 “(A) for making grants for the activities
6 described in subsection (c)(1)(A), reserve
7 \$3,600,000,000 of the funds appropriated for
8 fiscal year 2018; and

9 “(B) for making grants for the activities
10 described in any of subparagraphs (B) through
11 (D) of subsection (c)(1), reserve—

12 “(i) \$276,000,000 of the funds appro-
13 priated for fiscal year 2018;

14 “(ii) \$648,000,000 of the funds ap-
15 propriated for fiscal year 2019; and

16 “(iii) \$1,019,000,000 of the funds ap-
17 propriated for fiscal year 2020.

18 “(2) MIGRANT OR SEASONAL HEAD START PRO-
19 GRAMS.—From the amount appropriated to carry
20 out this section for a fiscal year and reserved under
21 paragraph (1)(B), the Secretary shall reserve 4.5
22 percent for migrant or seasonal Head Start pro-
23 grams.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this sec-
 3 tion—

4 “(1) \$3,876,000,000 for fiscal year 2018;

5 “(2) \$648,000,000 for fiscal year 2019; and

6 “(3) \$1,019,000,000 for fiscal year 2020.

7 “(f) DEFINITIONS.—In this section:

8 “(1) FULL SCHOOL DAY; FULL SCHOOL
 9 YEAR.—The terms ‘full school day’ and ‘full school
 10 year’ mean such a day and year, respectively, within
 11 the meaning of the Head Start Program Perform-
 12 ance standards issued under section 641A(a) of the
 13 Head Start Act (42 U.S.C. 9836a(a)).

14 “(2) MIGRANT AND SEASONAL HEAD START
 15 AGENCY.—The term ‘migrant and seasonal Head
 16 Start agency’ means an agency that is funded under
 17 this subchapter to provide a migrant and seasonal
 18 Head Start program.”.

19 “(b) CONFORMING AMENDMENTS.—Section 640 of the
 20 Head Start Act (42 U.S.C. 9835) is amended—

21 (1) in subsection (a)(6), by striking “appro-
 22 priated under this subchapter” each place it appears
 23 and inserting “appropriated under section 639”; and

24 (2) in subsection (g)(3)(A)—

1 (A) by striking “amount appropriated”
 2 each place it appears and inserting “amount
 3 appropriated under section 639”;

4 (B) by striking “services provided under
 5 this subchapter” and inserting “services pro-
 6 vided under this subchapter (other than section
 7 657C)”; and

8 (C) by striking “agency under this sub-
 9 chapter” and inserting “agency under this sub-
 10 chapter (other than section 657C)”.

11 **TITLE IV—APPROPRIATIONS**
 12 **FOR SUPPORTS AND SERV-**
 13 **ICES FOR INCLUSIVE CHILD**
 14 **CARE FOR INFANTS, TOD-**
 15 **DLERS, AND CHILDREN WITH**
 16 **DISABILITIES**

17 **SEC. 401. APPROPRIATIONS FOR SUPPORTS AND SERVICES**
 18 **FOR INCLUSIVE CHILD CARE FOR INFANTS,**
 19 **TODDLERS, AND CHILDREN WITH DISABIL-**
 20 **ITIES.**

21 There is authorized to be appropriated and there is
 22 appropriated for each State for each quarter an amount
 23 that is equal to 5 percent of the payment to such State
 24 for such quarter under section 658J of the Child Care and

1 Development Block Grant Act of 1990 (42 U.S.C. 9858h)
 2 to be used by—

3 (1) the State’s lead agency designated or estab-
 4 lished under section 635(a)(10) of the Individuals
 5 with Disabilities Education Act (20 U.S.C.
 6 1435(a)(10)) to provide early intervention services
 7 for infants and toddlers with disabilities (as defined
 8 in section 632 of the Individuals with Disabilities
 9 Education Act (20 U.S.C. 1432)) and their families
 10 in settings that provide high-quality inclusive care to
 11 such children; and

12 (2) the State to provide services and supports
 13 to children with disabilities (as defined in section
 14 658P of the Child Care and Development Block
 15 Grant Act of 1990 (42 U.S.C. 9858n)) in settings
 16 that provide high-quality inclusive care to such chil-
 17 dren.

18 **TITLE V—MATERNAL, INFANT,**
 19 **AND EARLY CHILDHOOD**
 20 **HOME VISITING PROGRAM**

21 **SEC. 501. SENSE OF SENATE.**

22 It is the sense of the Senate that—

23 (1) from the prenatal period to the first day of
 24 kindergarten, children’s development rapidly pro-

1 gresses at a pace exceeding that of any subsequent
2 stage of life;

3 (2) as reported by the National Academy of
4 Sciences in 2001, striking disparities exist in what
5 children know and can do that are evident well be-
6 fore they enter kindergarten; these differences are
7 strongly associated with social and economic cir-
8 cumstances, and they are predictive of subsequent
9 academic performance;

10 (3) research has consistently demonstrated that
11 investments in high-quality programs that serve in-
12 fants and toddlers better position those children for
13 success in elementary, secondary, and postsecondary
14 education as well as helping children develop the
15 critical physical, emotional, social, and cognitive
16 skills that they will need for the rest of their lives;

17 (4) in 2011, there were 11,000,000 infants and
18 toddlers living in the United States and 49 percent
19 of these children came from low-income families liv-
20 ing with incomes at or below 200 percent of the
21 Federal poverty guidelines;

22 (5) the Maternal, Infant, and Early Childhood
23 Home Visiting (MIECHV) program was authorized
24 by Congress to facilitate collaboration and partner-
25 ship at the Federal, State, and community levels to

1 improve health and development outcomes for at-risk
2 children, including those from low-income families,
3 through evidence-based home visiting programs;

4 (6) MIECHV is an evidence-based policy initia-
5 tive and its authorizing legislation requires that at
6 least 75 percent of funds dedicated to the program
7 must support programs to implement evidence-based
8 home visiting models, which includes the home-based
9 model of Early Head Start;

10 (7) in fiscal year 2016, MIECHV served ap-
11 proximately 160,000 parents and children, which is
12 only a small portion of those eligible, in 893 counties
13 covering all 50 States, the District of Columbia, and
14 5 territories; and

15 (8) Congress should increase its investment in
16 MIECHV to support the work of States to help
17 more at-risk families voluntarily receive home visits
18 from home visitors to—

19 (A) promote maternal, infant, and child
20 health;

21 (B) improve school readiness and achieve-
22 ment;

23 (C) prevent potential child abuse or neglect
24 and injuries;

- 1 (D) support family economic self-suffi-
2 ciency;
3 (E) reduce crime or domestic violence; and
4 (F) improve coordination or referrals for
5 community resources and supports.

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